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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/550,011

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Gilles Dumortier

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09/30/2008

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EXAMINER

PAN, YUWEN

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/550,011 | <b>Applicant(s)</b><br>DUMORTIER, GILLES |  |
|                              | <b>Examiner</b><br>YUWEN PAN         | <b>Art Unit</b><br>2618                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 6,8-14,22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10, 15-18, 21 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/09/08 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 25 have been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 2, 4, 5, 7, 10, 15, 16-18, 21, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Gorday et al (US006665521B1), hereinafter Gorday in view of Kotzin (US00686501B2).

Per claim 1, Gorday discloses a method of communicating between at least two wireless devices (see figure 2 and item 34 and 36, column 2 and lines 46-52) having contact less communication means (wireless) , said method involving communication management means (user A, figure 1 and 2, item 29) that employ a command response protocol (, a secondary

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wireless protocol, see column 2 and lines 14-19) to communicate with said wireless devices, and said method being characterized in that at least one of said wireless device (see item 26, at least one of partner) communicates with said communication management means (user A, item 29) using a wireless technology (secondary protocol) and in that it includes a step consisting in storing a list of said electronic entities in the communication management means (see column 2 and lines 4-20), a list (group) of wireless devices in the communication management means (see column 2 and lines 20-45, column 3 and lines 9-28). Gorday does not teach that the wireless devices are microcircuit cards having contact less communication means. Kotzin teaches that the wireless devices are microcircuit cards having contact less communication means (see figure 2 and item 273 and 275, or removable card item 360). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to increase radio modules with single wireless devices.

Per claim 2, Gorday further teaches that said wireless device constitute a network of acquaintances (see column 2 and lines 40-45, partners).

Per claim 4, Gorday further teaches that each of said at least two electronic entities is associated with a unique identifier (address of each cooperative partner, see figure 3 and item 308).

Per claim 5, Gorday further teaches that each identifier is associated with a service or family code (cooperative diversity network, column 2 and lines 40-50).

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Per claim 7, Gorday further teaches that said list includes a new electronic entity, it includes a step of adding the new electronic entity to said network of acquaintances and a function of at least one predetermined criterion (see column 2 and lines 60-column 3 and line 28).

Per claim 10, Gorday further teaches that it involves at least three electronic entities and in that said communication management means are combined with one of said electronic entities (see figure 1, items 12 and 29).

Per claim 15, Gorday further teaches that at least one of said at least two electronic entities is portable (see figure 1 and item 21 and 29).

Per claim 16, Gorday further teaches that at least one of said at least two electronic entities communicates with the communication management means using a contactless technology (see column 1 and lines 15-20, ReFLEX).

Per claims 17 and 18, Gorday further teaches GSM in which inherently use SIM card as microcircuit card for secure purpose (see column 1 and lines 18).

Per claim 21, Gorday further teaches that it ensures continuity of communication involving one of said electronic entities and antenna from a plurality of antennas connected to the communication management means when said electronic entity moves in such a manner that

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said communication involves another antenna from said plurality of antennas (see column 3 and lines 51-column 4 and lines 29, diversity in which utilize any partner's antenna to receive same information to improve the source's gain).

Per claim 24, Gorday further teaches that the object communicates with said plurality of stations using a contact less technology (see column 2 and lines 20-25, Bluetooth).

Per claim 25, Gorday discloses a communication system (see figure 1): at least two wireless devices (see figure 2 and item 34 and 36); a communication management unit (see item 29) that employs a command response protocol (scanning and discovery, see column 2 and lines 20-39) to communication with said at least two wireless devices, said management communication unit having stored therein a list of said wireless devices (partners) wirelessly communication with the said communication management unit (see 2 and lines 20-45), wherein the at least one of said electronic entities (partner 4) communication with said communication management unit (item 29) using a wireless technology (secondary protocol). Gorday does not teach that the wireless devices are microcircuit cards having contact less communication means. Kotzin teaches that the wireless devices are microcircuit cards having contact less communication means (see figure 2 and item 273 and 275, or removable card item 360). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to increase radio modules with single wireless devices.

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Per claim 26, Gorday further teaches that said list of partners in the communication management means includes a list of all said wireless devices in communication with the communication management means separate from a list of said microcircuit cards in communication with other said microcircuit cards (see figure 2 user E is communicating with the management means and separate from other wireless device such as user G).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorday in view of Ghirnikar et al (US006216001B1).

6. Gorday does not expressly teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means. Ghirnikar teaches storing a message intended for at least one of said at least two electronic entities when the address electronic entity is temporarily out of range of the communication management means (see column 4 and lines 16-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ghirnikar with Gorday's system to preserve the quality of service.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUWEN PAN whose telephone number is (571)272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anderson D. Matthew can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yuwen Pan/

Primary Examiner, Art Unit 2618